



**FREDERICK COUNTY PLANNING COMMISSION**  
**May 11, 2016**

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**TITLE:** Spring Arbor (Wellington II)

**FILE NUMBER:** SP-95-57, AP #16063, APFO#16430, FRO #16065

**REQUEST:** Site Development Plan Approval

The Applicant is requesting site development plan approval for a 105,608 square foot assisted living facility, on an 8.36acre site.

**PROJECT INFORMATION:**

ADDRESS/LOCATION: Located at the intersection of English Muffin Way  
Extended and New Design Road  
TAX MAP/PARCEL: Tax Map 86 Parcel 267  
COMP. PLAN: Limited Industrial (LI)  
ZONING: Mixed Use Development (MXD)  
PLANNING REGION: Adamstown  
WATER/SEWER: W-3/S-3

**APPLICANT/REPRESENTATIVES:**

APPLICANT: Matan Companies  
OWNER: YBC Investors, LLC.  
ENGINEER: Harris, Smariga & Associates, Inc.  
ARCHITECT: N/A  
ATTORNEY: N/A

**STAFF:** Tolson DeSa, Principal Planner II

**RECOMMENDATION:** Conditional Approval

**ATTACHMENTS:**

Exhibit 1-Spring Arbor Site Plan Rendering  
Exhibit 2-Spring Arbor APFO Letter of Understanding (LOU)  
Exhibit 3-Spring Arbor Parking Modification Request  
Exhibit 4-Spring Arbor Loading Modification Request

# STAFF REPORT

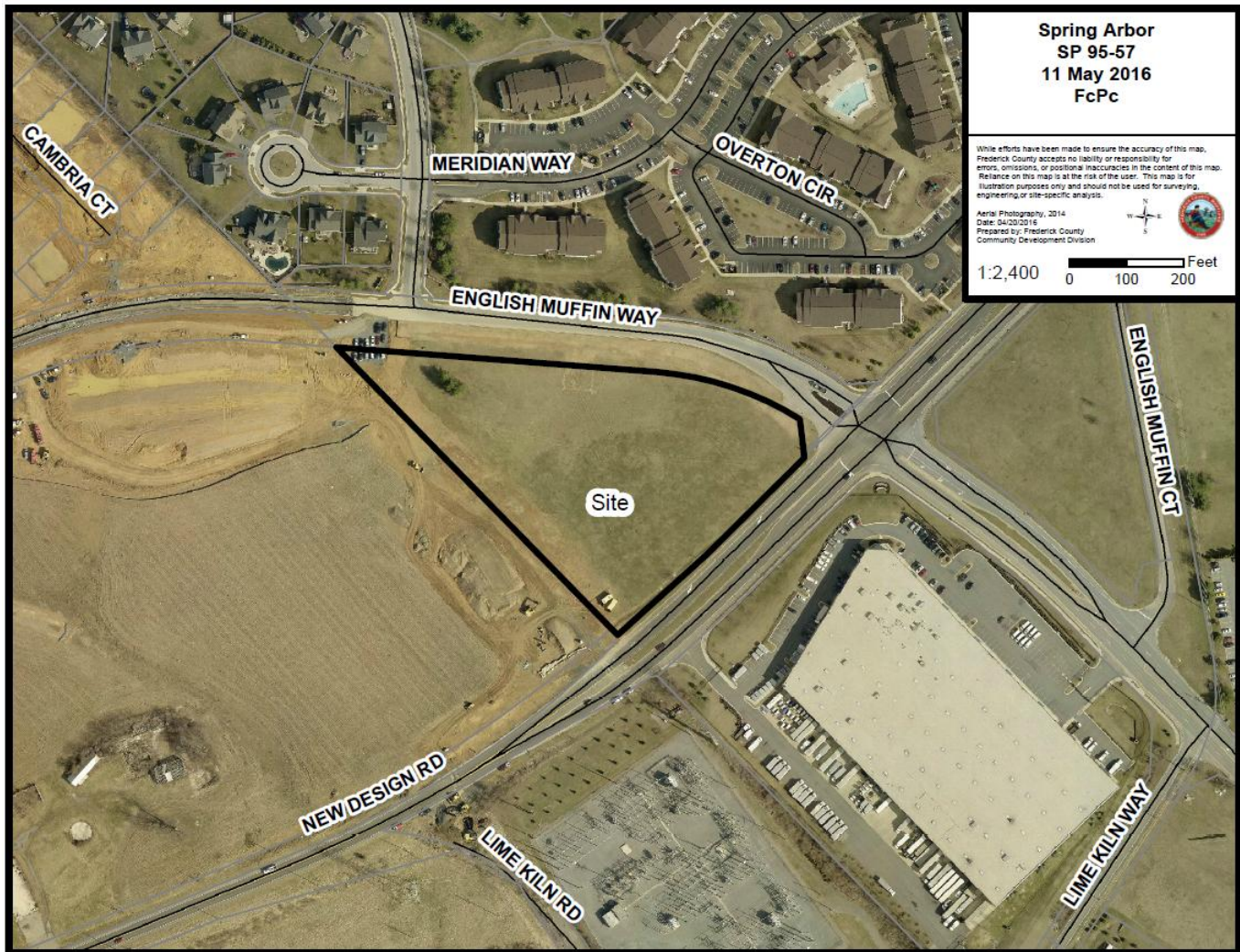
## ISSUE

### Development Request

The Applicant is requesting site development plan approval for a 105,608 square foot assisted living facility, on an 8.36-acre site. The proposed use is being reviewed as an “Assisted Living Facility” land use under the heading of *Commercial* per §1-19-10.500.7 Land Use Mixture and Design Requirements within the MXD District in the Zoning Ordinance and is a permitted use subject to site development plan approval.

Approximately 3.71 acres of Wedgewood West will be added to Wellington II while approximately .15 acres of Wellington II will be added to Wedgewood West for a total of 45.39 acres on Wedgewood West, and 8.364 acres on Wellington II. All of the above land transfer activities will occur via a submitted Addition Plat (AP 16071) that is currently being reviewed by Staff.

Graphic #1: Spring Arbor Site Aerial



## BACKGROUND

### Development History

**Re-Zoning History:** On November 16, 2008 the Board of County Commissioners (BOCC) granted rezoning case #R-05-07 for the reclassification of (50.61 acres) from Agricultural to Mixed Use Development (MXD), which is a floating zone as described in Ordinance #06-40-436. A companion PUD portion (located immediately to the north) was also rezoned in 2006. Together the MXD and PUD site originated from a property known as the ‘Younkins Farm’.

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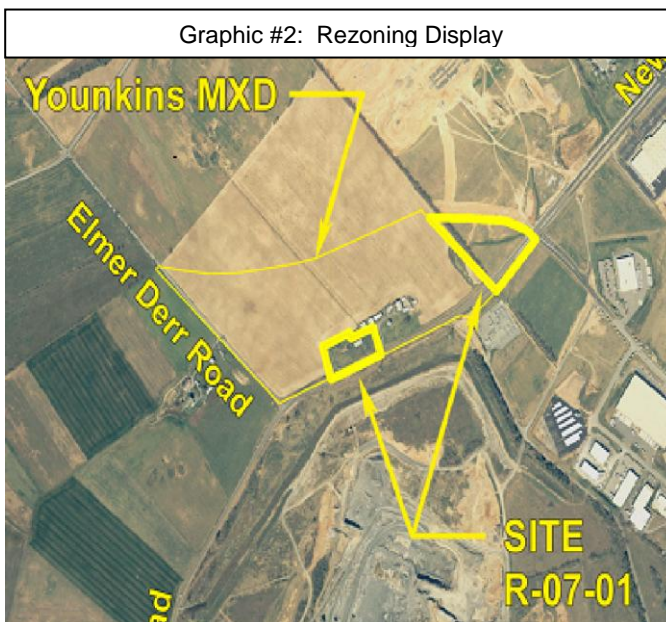


On March 4, 2008 the BOCC granted rezoning case #R-07-01 for the reclassification of two parcels that adjoin this subject parcel, (see Graphic #2). These adjoining parcels were subject to separate Phase II applications. Wellington II, Lot 2 was included in this rezoning and is now a portion of the 8.36 acre tract that is part of this Spring Arbor site plan and addition plat as previously described.

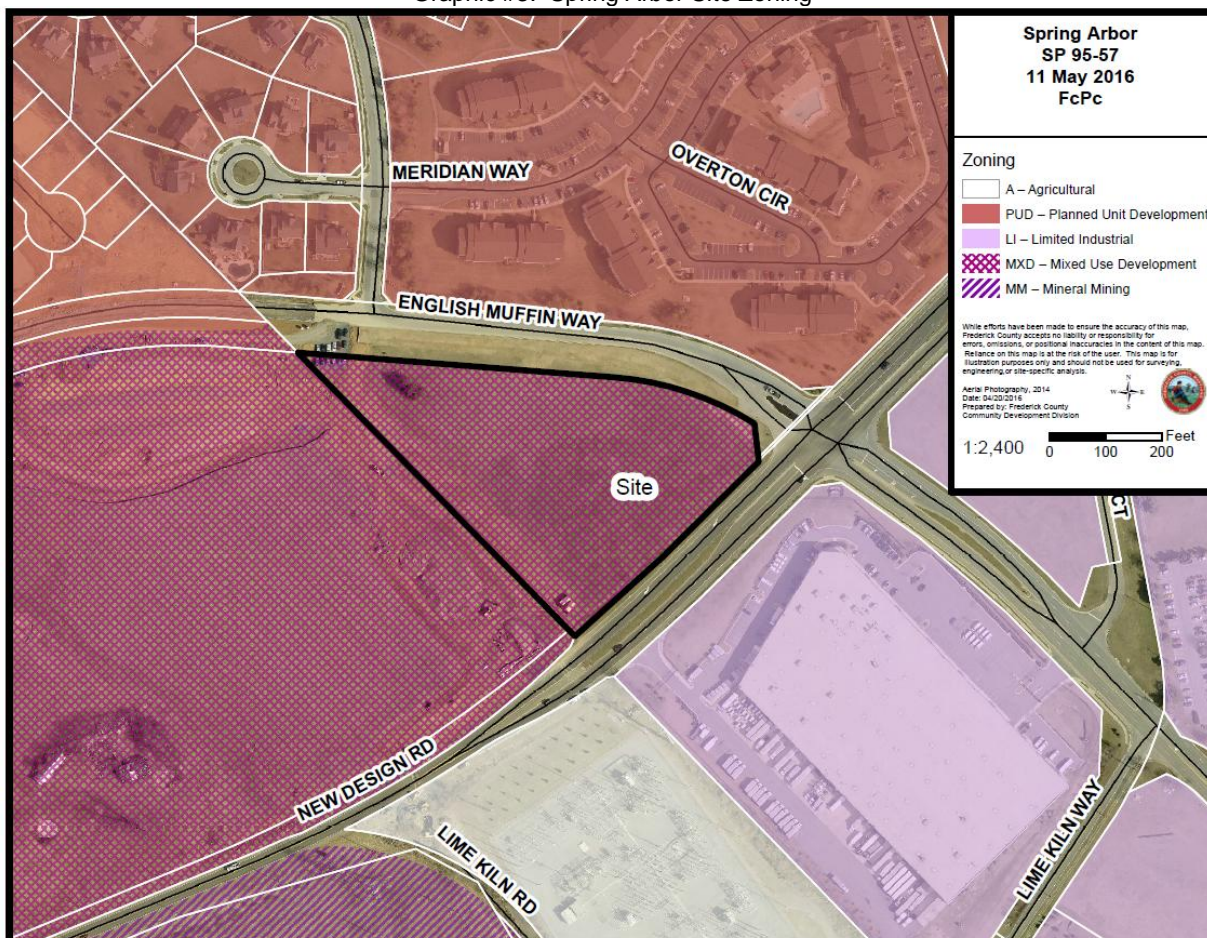
The Applicant has complied with all Phase 1 conditions of approval per #R-05-07 as well as #R-07-01 at the time of the approval of the Wedgewood West Phase II Execution Phase.

### Existing Site Characteristics

The site is currently vacant (see Graphic #1 above) and zoned MXD. The properties to the north of the site are zoned PUD and constructed with the Manors at Ballenger Creek (Younkins PUD) and Wellington Trace residential subdivisions. The property to the south of the site is zoned Mineral Mining (MM) and developed with the Essroc Quarry. The properties to the east are zoned Limited Industrial (LI) and developed with various limited industrial buildings and uses. The property to the west is the Wedgewood West MXD and was previously approved for a 671,938 warehouse and manufacturing park. See Graphic #3 below.



Graphic #3: Spring Arbor Site Zoning



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# **ANALYSIS**

## **Summary of Development Standards Findings and Conclusions**

The main issues associated with this site plan are the addition plat (AP 16071), which is proposing to add 3.71 acres of Wedgewood West MXD to Wellington II MXD, while approximately 0.15 acres of Wellington II MXD will be added to Wedgewood West MXD for a total of 45.39 acres on Wedgewood West MXD, and 8.364 acres on Wedgewood Wellington II (Spring Arbor) MXD. Staff and the Applicant also worked on the design of Tennison Drive Extended in conjunction with the overall design and layout of the adjacent Wedgewood West MXD.

## **Detailed Analysis of Findings and Conclusions**

Site Development Plan Approval shall be granted based upon the criteria found in §1-19-3.300.4 Site Plan Review Approval Criteria of the Frederick County zoning ordinance.

**Site Development §1-19-3.300.4 (A):** *Existing and anticipated surrounding land uses have been adequately considered in the design of the development and negative impacts have been minimized through such means as building placement or scale, landscaping, or screening, and an evaluation of lighting. Anticipated surrounding uses shall be determined based upon existing zoning and land use designations.*

## **Findings/Conclusions**

1. **Dimensional Requirements/Bulk Standards §1-19-6.100:** *Setbacks and height.* Setbacks and height shall be established by the Planning Commission at Phase II consistent with the general development standards as provided in § [1-19-10.500.9](#), reflecting the proposed development pattern and land use within the Phase I project concept plan or portion thereof, reflecting the location of the project within the county with consideration of the existing development pattern surrounding the proposed development, and consistent with the appropriate community and corridor plans.

The Applicant is proposing the following setbacks which are consistent with the existing Wedgewood West MXD project immediately to the west: 40' front yard, 30' side yard, with a maximum building height of 38'. Per section 1-19-6.140 of the Zoning Ordinance, in the case of corner lots there shall be no required rear yard setback. Due to the existing and proposed roadways surrounding the Spring Arbor site the setbacks consist of two 40' front yards and one 30' side yard along Tennison Drive Extended. Therefore, Staff has no objections to establishing the proposed setbacks in accordance with §1-19-10.500.7.F.2. and the adjacent approved development.

2. **Signage §1-19-6.300:** The Applicant is permitted to have 354 square feet in signage based on the length of the proposed structure with a maximum height of 12 feet. The signage calculation is listed in Site Plan Note #12 on Sheet 1 of the site plan. At this time the Applicant is proposing 105 square feet of monument signage only. The proposed amount signage meets the requirements of the zoning ordinance.
3. **Landscaping §1-19-6.400:** The Applicant has provided a landscaping plan on Sheet 2 of the site plan. The landscaping plan proposes a mixture of evergreen and deciduous tree species in order to be compliant with the zoning ordinance as well as increase the aesthetic of the site and overall development. The site contains 832' of frontage along English Muffin Way, which requires 24 street trees, the Applicant proposed 24 street trees. The site contains 692' of frontage along New

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Design Road, which requires 20 street trees, the Applicant proposed 20 street trees. The site contains 76' of frontage along Tennison Drive, which requires 2 street trees, the Applicant proposed 21 street trees.

The parking lot area is 67,877 square feet, which requires 13,575 square feet of plantings in order to meet the 20% minimum parking lot canopy coverage; the Applicant has provided 14,709 square feet of plantings within the parking lot. The proposed landscaping meets the requirements listed in §1-19-6.400 of the Zoning Ordinance.

4. **Screening §1-19-6.400:** The Applicant has provided a substantial landscape plan which exceeds the County's landscaping requirements and provides for site landscaping and screening along all three frontages. Parking areas are screened from adjacent roadways.
5. **Lighting §1-19-6.500:** The Applicant has proposed a lighting plan, which is shown on Sheet 4 of the site plan. The Applicant is proposing 18 pole mounted lights. The Zoning Ordinance states in section 1-19-6.500(B) that maximum height for pole and building mounted lights for commercial uses is 18'. Note 10 of the site plan states that the pole lights will not exceed this height. This note shall be updated to state that lighting shall be designed and installed to be fully shielded. Lighting shall be directed downward to prevent glare and light trespass onto adjacent properties, roadways, and the nighttime sky. The lighting plan otherwise adheres to the requirements of §1-19-6.500.
6. **Mixed Use Development (MXD) Design Standards §1-19-10.500.7:** The proposed changes are under the new provisions of the MXD ordinance.

The overall proposal adheres to the Phase 1 conditions in regards to the overall use mix throughout the entire Wedgewood West MXD. The total tract area is 53.76 acres, the acreage without the roads right-of-way dedication is 49.74 acres. The previously approved maximums are up to 20% open space, 45% commercial and 65% employment. The proposed land use percentages are as follows; 31.3% open space (15.57 acres), 16.8% commercial (Spring Arbor 8.36 acres), and 51.9% (25.81 acres).

**Transportation and Parking §1-19-3.300.4 (B):** *The transportation system and parking areas are adequate to serve the proposed use in addition to existing uses by providing safe and efficient circulation, and design consideration that maximizes connections with surrounding land uses and accommodates public transit facilities. Evaluation factors include: on-street parking impacts, off-street parking and loading design, access location and design, vehicular, bicycle, and pedestrian circulation and safety, and existing or planned transit facilities.*

### **Findings/Conclusions**

1. **Access/Circulation:** Tennison Drive is proposed to be extended across English Muffin Way as a private right-of-way and will tee into New Design Road. Spring Arbor is proposed to have three access points onto Tennison Drive (Extended). All three access points will be lined up with parking lot drive aisles for the Wedgewood West MXD Office/Warehouse Park located to the west. No direct access to New Design Road or English Muffin Way is being proposed because of the site's proximity to the intersection of those two major arterial highways, which will soon be signalized.
2. **Connectivity §1-19-6.220 (F):** Spring Arbor will have vehicular connectivity to an improved English Muffin Way (new westbound roadway) and New Design Road (accel/decel lane) via Tennison Drive Extended. Spring Arbor will have pedestrian accessibility around the entire perimeter of the site. The Spring Arbor site will also contain crosswalks which will provide pedestrian connectivity to the adjacent Wedgewood West MXD Office/Warehouse Park, as well as the existing Wellington Trace residential subdivision.

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3. **Public Transit:** As part of the adjacent Wedgewood West MXD approval the Applicant has provided a 12'x 20' Transit bus stop location easement on the south side of English Muffin Way, east of Tonnison Drive Extended for a planned future TransIT stop along westbound English Muffin Way. Currently, the closest TransIT stop is located within the Wedgewood Business Park. The future transit stop is to be constructed by Frederick County TransIT at the time it is deemed necessary based on service expansion.
4. **Vehicle Parking and Loading §1-19-6.200-through 1-19-6.220:** In accordance with the parking requirements for "Housing for the elderly, assisted living" 1 space is required for every 3 units.

The proposed unit count is 95; therefore the target is 32 spaces. The Applicant has provided 149 spaces, including the 6 ADA spaces.

In accordance with §1-19-6.220.A.1, the Applicant has submitted a parking modification for a 117 space increase over the target number of parking spaces.

The Applicant cites characteristics of the proposed land use for the proposed parking space increase request. For an assisted living facility, the Applicant is proposing 1 parking space per room and additional parking for employees and visitors, as reasons to justify the 117 parking space increase (see Exhibit #3). Staff has no objection to granting this modification for the increase of 117 spaces from the target parking number.

The Applicant has submitted a loading space modification request in accordance with Zoning Ordinance §1-19-6.210.D (see Exhibit #4). In accordance with §1-19-6.210.A, the proposed assisted living facility would be required to provide 5 large loading spaces. The facility has the need for only one large tractor trailer loading, and does not require frequent deliveries to the scale that more than one loading space is necessary. Staff has no objection to granting this modification for the reduction of the loading space requirement.

**Bicycle Parking §1-19-6.220 (H):** The Applicant is required to provide 7 bike racks; the Applicant has provided 7 bike racks. Three racks are located at the entrance to the dementia ward located on the western portion of the site, and four racks are located at the entrance to the assisted living facility portion. The bicycle racks will comply with the Frederick County Bicycle Parking Guidelines and Standards.

**Pedestrian Circulation and Safety §1-19-6.220 (G):** Spring Arbor will have pedestrian accessibility around the entire perimeter of the site for both mobile residents and the general public. The Spring Arbor site will also contain crosswalks which will provide pedestrian connectivity to the adjacent Wedgewood West Office/Warehouse Park, as well as the existing Wellington Trace residential subdivision.

**Modifications:**

1. In accordance with §1-19-6.220.A.1, the Applicant has submitted a parking modification for 117 spaces over the target number of parking spaces.
2. In accordance with §1-19-6.220.D, the Applicant has submitted a loading space modification to provide 1 large loading space, rather than the required 5 large and 2 small loading spaces.

**Public Utilities §1-19-3.300.4 (C):** *Where the proposed development will be served by publicly owned community water and sewer, the facilities shall be adequate to serve the proposed development. Where proposed development will be served by facilities other than publicly owned community water and sewer, the facilities shall meet the requirements of and receive approval from the Maryland Department of the Environment/the Frederick County Health Department.*

## **Findings/Conclusions**

1. **Public Water and Sewer:** The site is to be served by public water and sewer and is classified W-3, S-3. The entire site is in pressure Zone #1 with water coming from New Design Road WTP and Sewer flowing into the Ballenger Creek Pike WWTP.

**Natural features §1-19-3.300.4 (D):** *Natural features of the site have been evaluated and to the greatest extent practical maintained in a natural state and incorporated into the design of the development. Evaluation factors include topography, vegetation, sensitive resources, and natural hazards.*

## **Findings/Conclusions**

1. **Topography:** The site slopes gently from New Design Road to English Muffin Way with a grade change of about 20 feet.
2. **Vegetation:** The site has been graded and cleared of any existing vegetation, the proposed Tennison Drive Extended is currently under construction.
3. **Sensitive Resources:** Frederick County mapping indicates Flooding and Wet Soils (AfB) located within the Wedgewood West Industrial Park as well as within the boundaries of the proposed Spring Arbor facility. On December 19, 2005 the Applicant contracted with Specialized Engineering for a Wet/Floodplain Soils Survey and Delineation Report for the entire Younkins Farm site (PUD and MXD), which at this time included the 8.36 acres of the proposed Spring Arbor facility. The report determined that there was no evidence of flooding or wet soils located on the site.
4. **Natural Hazards:** There are no natural hazards located on this site.

**Common Areas §1-19-3.300.4 (E):** *If the plan of development includes common areas and/or facilities, the Planning Commission as a condition of approval may review the ownership, use, and maintenance of such lands or property to ensure the preservation of such areas, property, and facilities for their intended purposes.*

## **Findings/Conclusions**

1. **Proposed Common Area:** The proposed assisted living facility is a privately owned and operated facility with no proposed public common areas on site.

## **Other Applicable Regulations**

**Stormwater Management – Chapter 1-15.2:** Stormwater Management quantity and quality to be provided by the regional facility approved by plans titled “Mass Grading, Sec & SWM Plan for Wedgewood West, AP 9280, approved 2/22/13.

**Subdivision Regulations – Chapter 1-16:** Approximately 3.71 acres of Wedgewood West will be added to Wellington II, while approximately 0.15 acres of Wellington II will be added to Wedgewood West for a total of 45.39 acres on Wedgewood West, and 8.364 acres on Wellington II. All of the above land transfer activities will occur via a submitted Addition Plat (AP 16071) that is currently being reviewed by Staff. The approval of the Spring Arbor site plan will be conditioned on the approval and recordation of this plat.

**APFO – Chapter 1-20 (See Exhibit 2):**

1. **Schools.** Schools are not impacted because the development of the property is a non-residential use.
2. **Water/Sewer.** The site is classified as S-3 /W-3. The inadequacy of downstream sewer based on proposed flow data provided will be addressed by the completion of Water and Sewer contract 271-S. While the public sewer and water facilities will be adequate to serve the project, the Applicant recognizes that capacity is not guaranteed until purchased. APFO approval for sewer and water does not guarantee that plats will be recorded and building permits will be issued. Plat recordation and building permit issuance are subject to compliance with the Annotated Code of Maryland, Environment Article Section 9-512, et seq, and all applicable county regulations, including but not limited to Sec. 1-16-106 of the Frederick County Subdivision Regulations.
3. **Roads.** This site would generate 22 am and 35 pm weekday peak hour trips. No APFO testing is required as this site generates 50 or fewer trips during the peak hour, which is the threshold for testing.

However, in accordance with Section 1-20-12(H) of the County Code, the Applicant is required to pay its proportionate contribution toward the following existing escrow accounts in the project travel shed

1. Escrow Account No. 3307 for a signal at the intersection of New Design Rd/Crestwood Blvd - The estimated cost of the improvement is \$158,166. The Applicant's proportionate share of this Road Improvement is 1.19%. Therefore the Applicant hereby agrees to pay \$1,882 to the escrow account for this Road Improvement.
2. Escrow Account No. 3306 for a new southbound right turn lane at the intersection of New Design Rd/Crestwood Blvd - The estimated cost of the improvement is \$241,003. The Applicant's proportionate share of this Road Improvement is 0.65%. Therefore the Applicant hereby agrees to pay \$1,567 to the escrow account for this Road Improvement.
3. Escrow Account No. 3286 for a signal at the intersection of New Design Rd/English Muffin Way - The estimated cost of the improvement is \$350,000. The Applicant's proportionate share of this Road Improvement is 1.17%. Therefore the Applicant hereby agrees to pay \$4,095 to the escrow account for this Road Improvement.
4. Escrow Account No. 3282 for an additional northbound through lane at the intersection of Crestwood Blvd/MD 85 - The estimated cost of the improvement is \$1,158,300. The Applicant's proportionate share of this Road Improvement is 0.60%. Therefore the Applicant hereby agrees to pay \$6,950 to the escrow account for this Road Improvement.
5. Escrow Account No. 3624 for a signal at the intersection of New Design Rd/Guilford Dr - The estimated cost of the improvement is \$190,000. The Applicant's proportionate share of this Road Improvement is 0.57%. Therefore the Applicant hereby agrees to pay \$1,083 to the escrow account for this Road Improvement.
6. Escrow Account No. 3764 for eastbound and westbound right turn lanes at the intersection of New Design Rd/Corporate Blvd - The estimated cost of the improvement is \$587,364. As determined by DPDR-Traffic Engineering Staff, the Applicant's proportionate share of this Road Improvement is 1.20%. Therefore the Applicant hereby agrees to pay \$7,048 to the escrow account for this Road Improvement.



7. Escrow Account No. 3253 for a signal at the intersection of MD 85/English Muffin Way - The estimated cost of the improvement is \$73,176. The Applicant's proportionate share of this Road Improvement is 1.25%. Therefore the Applicant hereby agrees to pay \$915 to the escrow account for this Road Improvement.
8. Escrow Account No. 3761 for a second eastbound left turn lane at the intersection of MD 85/English Muffin Way - The estimated cost of the improvement is \$104,888. The Applicant's proportionate share of this Road Improvement is 2.70%. Therefore the Applicant hereby agrees to pay \$2,832 to the escrow account for this Road Improvement.
9. Escrow Account No. 3762 for a signal and northbound lane addition at the intersection of Ballenger Creek Pike and Corporate Drive - The estimated cost of the improvement is \$1,242,700. The Applicant's proportionate share of this Road Improvement is 0.08%. Therefore the Applicant hereby agrees to pay \$994 to the escrow account for this Road Improvement.

A total of \$27,366 for the escrow payments described above must be paid to the County by the Applicant, its successors or assigns, prior to the issuance of the first building permit for the Project. Should this payment not be made within one year of the execution of the APFO Letter of Understanding, the County reserves the right to adjust this amount, based on an engineering cost index.

The APFO approval is valid for three (3) years from the date of Commission approval; therefore, the APFO approval expires on May 11, 2019.

**Forest Resource – Chapter 1-21:** This development was subject to FRO. FRO mitigation for this development was provided in 2007 under AP 4258 (File M-2801, Wellington Commercial Holdings) via payment of fee-in-lieu.

**Historic Preservation – Chapter 1-23:** There are no historic resources located on this lot.

#### Summary of Agency Comments

<b>Other Agency or Ordinance Requirements</b>	<b>Comment</b>
<b>Development Review Engineering (DRE):</b>	Conditional Approval
<b>Development Review Planning:</b>	Hold: Address all agency comments as the plan proceeds through to completion.
<b>State Highway Administration (SHA):</b>	N/A
<b>Div. of Utilities and Solid Waste Mngt. (DUSWM):</b>	Conditional Approval
<b>Health Dept.</b>	N/A
<b>Office of Life Safety</b>	Conditional Approval
<b>DPDR Traffic Engineering</b>	Approved
<b>Historic Preservation</b>	N/A

## **RECOMMENDATION**

Staff has no objection to conditional approval of the Site Development Plan SP-95-57 AP 16063 including APFO approval for a 105,608 square foot assisted living facility on an 8.36 acre site. If the Planning Commission conditionally approves the site plan, the site plan is valid for a period of three (3) years from the date of Planning Commission approval.

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Based upon the findings and conclusions as presented in the staff report the application meets or will meet all applicable zoning, APFO, and FRO requirements once the following conditions are met:

1. Address all agency comments as the plan proceeds through to completion.
2. Planning Commission approval of the requested parking space modification in accordance with §1-19-6.220.A.1 to provide 149 parking spaces which is a 117 spaces over the target number of 32 parking spaces.
3. Planning Commission approval of the requested loading space modification in accordance with §1-19-6.210.D to provide 1 large loading space, rather than the required 5 large loading spaces.
4. Prior to final signature approval of the Spring Arbor Site Development Plan (AP 16063), Lot 2 of the Wedgewood Wellington II MXD Addition Plat (AP16071) shall be recorded and the Liber Folio for the newly created Lot 2 shall be listed on the Spring Arbor Site Development Plan (SP-95-57, AP 16063)
5. Prior to final signature approval of the Spring Arbor Site Development Plan, the Applicant shall update Note 10 to state that lighting be designed and installed to be fully shielded. Lighting shall be directed downward to prevent glare and light trespass onto adjacent properties, roadways, and the nighttime sky.
6. Complete the requirements of the Spring Arbor (Wedgewood Wellington II) APFO LOU.
7. The Applicant shall complete full frontage improvements with English Muffin Way and New Design Road, as defined by the County at Improvement Plan, shall be guaranteed prior to issuance of a building permit and open to traffic prior to Certificate of Occupancy.

## **PLANNING COMMISSION ACTION**

### **MOTION TO APPROVE**

I move that the Planning Commission **APPROVE** Site Plan SP-95-57 AP 16063 including APFO approval for a 105,608 square foot assisted living facility on an 8.36 acre site **with conditions and modifications** as listed in the staff report, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.





**FREDERICK COUNTY GOVERNMENT**  
**DIVISION OF PLANNING & PERMITTING**

Jan H. Gardner  
*County Executive*

*Steven C. Horn, Division Director*

**ADEQUATE PUBLIC FACILITIES LETTER OF UNDERSTANDING**

**Spring Arbor (Wellington II)**

*Site Plan #SP-95-57, AP #16430*

**In General:** The following Letter of Understanding ("**Letter**") between the Frederick County Planning Commission ("**Commission**") and Wellington II, LLC (the "**Developer**"), together with its/their successors and assigns, sets forth the conditions and terms which the Commission deems to be the minimum necessary improvements dealing with water, sewer, and road improvements that must be in place for the property identified below to be developed, as proposed under the Spring Arbor (Wellington II) Site Development Plan (the "**Project**"), in compliance with the Frederick County Adequate Public Facilities Ordinance ("**APFO**").

The Developer, its successors and assigns, hereby agrees and understands that unless the required improvements and contributions to road escrow accounts, as specified below are provided in accordance with this Letter, APFO requirements will not be satisfied and development will not be permitted to proceed.

This Letter concerns itself with the Developer's approximate 8.36 acre parcel which is zoned MXD (Mixed Use), and located in the southwest quadrant of the intersection of New Design Road and English Muffin Way. This APFO approval will be for the development of a 95 room Assisted Living Facility, which is shown on the site development plan for the above-referenced Project under file number SP-95-57 (AP #16063), which was conditionally approved by the Commission May 11, 2016.

**Schools:** Schools are not impacted because the development of the property is a non-residential use.

**Water and Sewer:** The site is classified as S-3 /W-3. The inadequacy of downstream sewer based on proposed flow data provided will be addressed by the completion of Water and Sewer contract 271-S. While the public sewer and water facilities will be adequate to serve the project, the Developer recognizes that capacity is not guaranteed until purchased. APFO approval for sewer and water does not guarantee that plats will be recorded and building permits will be issued. Plat recordation and building permit issuance are subject to compliance with the Annotated Code of Maryland, Environment Article Section 9-512, et seq, and all applicable county regulations, including but not limited to Sec. 1-16-106 of the Frederick County Subdivision Regulations.

**Road Improvements:** This site is capped at 22 am and 35 pm weekday peak hour trips. No APFO testing is required as this site generates 50 or fewer trips during the peak hour.

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This Letter sets forth the Developer's APFO obligations associated with the construction as depicted on the above referenced site plan; any future modification to the site plan which would have the effect of increasing the projected trip generation above the trip caps stated above, or a significant redistribution of site traffic, would be subject to new analysis under APFO.

In accordance with Section 1-20-12(H) of the County Code, the Developer is required to pay its proportionate contribution toward the following existing escrow accounts in the project study area:

1. Escrow Account No. 3307 for a signal at the intersection of New Design Rd/Crestwood Blvd - The estimated cost of the improvement is \$158,166. The Developer's proportionate share of this Road Improvement is 1.19%. Therefore the Developer hereby agrees to pay \$1,882 to the escrow account for this Road Improvement.
2. Escrow Account No. 3306 for a new southbound right turn lane at the intersection of New Design Rd/Crestwood Blvd - The estimated cost of the improvement is \$241,003. The Developer's proportionate share of this Road Improvement is 0.65%. Therefore the Developer hereby agrees to pay \$1,567 to the escrow account for this Road Improvement.
3. Escrow Account No. 3286 for a signal at the intersection of New Design Rd/English Muffin Way - The estimated cost of the improvement is \$350,000. The Developer's proportionate share of this Road Improvement is 1.17%. Therefore the Developer hereby agrees to pay \$4,095 to the escrow account for this Road Improvement.
4. Escrow Account No. 3282 for an additional northbound through lane at the intersection of Crestwood Blvd/MD 85 - The estimated cost of the improvement is \$1,158,300. The Developer's proportionate share of this Road Improvement is 0.60%. Therefore the Developer hereby agrees to pay \$6,950 to the escrow account for this Road Improvement.
5. Escrow Account No. 3624 for a signal at the intersection of New Design Rd/Guilford Dr - The estimated cost of the improvement is \$190,000. The Developer's proportionate share of this Road Improvement is 0.57%. Therefore the Developer hereby agrees to pay \$1,083 to the escrow account for this Road Improvement.
6. Escrow Account No. 3764 for eastbound and westbound right turn lanes at the intersection of New Design Rd/Corporate Blvd - The estimated cost of the improvement is \$587,364. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 1.20%. Therefore the Developer hereby agrees to pay \$7,048 to the escrow account for this Road Improvement.
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8. Escrow Account No. 3761 for a second eastbound left turn lane at the intersection of MD 85/English Muffin Way - The estimated cost of the improvement is \$104,888. The Developer's proportionate share of this Road Improvement is 2.70%. Therefore the Developer hereby agrees to pay \$2,832 to the escrow account for this Road Improvement.
9. Escrow Account No. 3762 for a signal and northbound lane addition at the intersection of Ballenger Creek Pike and Corporate Drive - The estimated cost of the improvement is \$1,242,700. The Developer's proportionate share of this Road Improvement is 0.03%. Therefore the Developer hereby agrees to pay \$994 to the escrow account for this Road Improvement.

A total of \$27,366 for the escrow payments described above must be paid to the County by the Developer, its successors or assigns, prior to the issuance of the next building permit for the Project. Should this payment not be made within one year of the execution of this Letter, the County reserves the right to adjust this amount, based on an engineering cost index.

**Period of Validity:** The APFO approval is valid for three (3) years from the date of Commission approval; therefore, the APFO approval expires on May 11, 2019.

**Disclaimer:** This Letter pertains to APFO approval only, and shall not be construed to provide any express or implied rights to continue the development process. The Project remains subject to all applicable rules and regulations, including but not limited to those related to zoning, water and sewer, and subdivision. The Planning Commission's jurisdiction and authority is limited by State and County law, and approvals may be required from other local or state governmental agencies before the proposed development can proceed.

WELLINGTON II, LLC,  
a Maryland limited liability company  
By: Matan Fund V, LLC,  
a Maryland limited liability company, Manager  
By: Wedgewood Investment Management, LLC,  
a Maryland limited liability company,  
Manager

By:   
Mark C. Matan, Manager

Date: 4-22-16



125 S. CARROLL STREET  
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January 7, 2015

Tolson DeSa  
Frederick County Development Review  
30 N. Market Street  
Frederick, MD 21701

Re: Parking Modification – Spring Arbor  
Project Number 16074  
HSA Job No. 7353

Dear Tolson:

In accordance with our discussions, Planning Commission approval of the following parking modification is requested for the Spring Arbor Site Plan. The modification is as follows:

1. Parking Modification – Section 1-19-6.220.(A)(1)

The zoning ordinance uses a table to determine the amount of parking spaces required for a site. Parking shall be limited to the number of spaces required based on an evaluation of each use, hours of operation, and joint or shared parking agreements. An increase or reduction in spaces may be granted by the Planning Commission.

For the 95 room Spring Arbor request we are providing more target spaces than required by the parking table. Per the table an assisted living facility is required to have 1 parking space for each 3 units. We are providing 1 parking space for each of the 95 rooms and additional parking for employees and visitors.

Spring Arbor is an assisted living facility with 95 rooms. It is not unusual for such a facility to have a large number of employees. Spring Arbor has estimated that the proposed facility would require at least 45 employees. We request that in addition to the 32 spaces required for the tenants of the facility that there is also adequate parking provided for employees. In addition to residents and staff, visitors will also frequent the facility to visit family and loved ones, additional parking is also requested to accommodate the visitors.

Given these reasons it is requested that the Planning Commission approve the new proposed Spring Arbor with 148 spaces instead of the 32 target spaces.

Sincerely,



Jody Walker  
Designer

CC: Karl Morris, Bo Cook

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January 7, 2015

Tolson DeSa  
Frederick County Development Review  
30 N. Market Street  
Frederick, MD 21701

Re: Loading Modification – Spring Arbor  
Project Number 16074  
HSA Job No. 7353

Dear Tolson:

In accordance with our discussions, Planning Commission approval of the following parking modification is requested for the Spring Arbor Site Plan. The modification is as follows:

1. Loading Modification – Section 1-19-6.210(B)  
The zoning ordinance uses a table to determine the amount of loading spaces required for a site. An assisted living facility is not directly mentioned in the table but falls under "miscellaneous commercial uses not listed herein". Per the table a building with more than 5,000 sq. ft. requires 1 large or 2 small spaces + 1 additional large space for each additional 15,000 sq. ft. over 20,000 sq. ft. Per section 1-19-6-210(D) the applicant may request the planning commission approve a modification to section 1-19-6-210(B) with written justification.

For the 95 room Spring Arbor request we are providing less target loading spaces than required by the loading table. Per the table a facility with 105,000 sf is required to have 5 large and 2 small loading spaces. We are providing 1 large loading space for the 105,000 sf facility

Spring Arbor is an assisted living facility and is not listed directly within the table. The buildings function as an assisted living facility does not require frequent deliveries to the scale that more than 1 large loading space is required. In addition to the 1 large loading space provided at the rear of the building it is assumed that small deliveries will be able to use the drop off locations located at the building entrances

Given these reasons it is requested that the Planning Commission approve the new proposed Spring Arbor with 1 large loading space instead of the 5 large and 2 small loading spaces.

Sincerely,



Jody Walker  
Designer

CC: Karl Morris, Bo Cook

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